REID) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1700

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1735

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

S. 1761

At the request of Mr. THUNE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1761, a bill to clarify the liability of government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast region of the United States affected by Hurricane Katrina or other major disasters.

S. CON. RES. 25

At the request of Mr. TALENT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution expressing the sense of Congress regarding the application of Airbus for launch aid.

S. CON. RES. 53

At the request of Mr. OBAMA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution expressing the sense of Congress that any effort to impose photo identification requirements for voting should be rejected.

S. RES. 236

At the request of Mr. COLEMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 236, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 1779. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Downed Animal Protection Act, legislation intended to protect people from the unnecessary spread of disease. This bill would prohibit the use of nonambulatory animals for human consumption.

Nonambulatory animals, also known as downed animals, are livestock such as cattle, sheep, swine, goats, horses, mules, or other equines that are too sick to stand or walk unassisted. Many of these animals are dying from infectious diseases and present a significant pathway for the spread of disease.

The safety of our Nation's food supply is of the utmost importance. With the presence of bovine spongiform encephalopathy (BSE), also known as mad-cow disease, and other strains of transmissible spongiform encephalopathies (TSE), which are related animal diseases found not only in nearby countries but also in the United States, it is important that we take all measures necessary to ensure that our food is safe.

Currently, before slaughter, the United States Department of Agriculture's (USDA) Food Safety Inspection Service (FSIS) diverts downer livestock only if they exhibit clinical signs associated with BSE. Routinely, BSE is not correctly distinguished from many other diseases and conditions that show similar symptoms. The ante-mortem inspection that is currently used in the United States is very similar to the inspection process in Europe, which has proved to be inadequate for detecting BSE. Consequently, if BSE were present in a U.S. downed animal, it could currently be offered for slaughter. If the animal showed no clinical signs of the disease, the animal would then pass an ante-mortem inspection, making the diseased animal available for human consumption. The BSE agent could then cross-contaminate the normally safe muscle tissue during slaughter and processing. The disposal of downer livestock would ensure that the BSE agent would not be recycled to contaminate otherwise safe meat.

There are other TSE diseases already known to us such as scrapie that affects sheep and goats, chronic wasting disease in deer and elk, and classic Creutzfeldt-Jakob Disease in humans, all of which are present in the United States. Because our knowledge of such diseases are limited, the inclusion of horses, mules, swine, and other equine in this act are a necessary precaution. This precautionary measure is needed in order to ensure that the human population is not affected by diseased livestock. The Food and Drug Administration (FDA) has already created regulations that prevent imports of all live cattle and other ruminants and certain ruminant products from countries where BSE is known to exist. In 1997, the FDA placed a prohibition on the use of all mammalian protein, with a few exceptions, in animal feeds given to cattle and other ruminants. These regulations are a good start in protecting us from the possible spread of BSE, however, they do not go far enough. Because they still allow the processing of downer cattle.

According to a study performed by the Harvard School of the Public Health in conjunction with the USDA and surveillance data from European countries, downer cattle are among the highest risk population for BSE. According to the Harvard Study, the removal of nonambulatory cattle from the population intended for slaughter would reduce the probability of spreading BSE by 82 percent. The USDA and the FDA have acknowledged that downed animals serve as a potential pathway for the spread of BSE. While both have entertained the idea of prohibiting the rendering of downed cattle, they have taken no formal action. It is imperative that we, Congress, ensure that downer livestock does not enter our food chain, and the best way to accomplish this task is to codify the prohibition of downer livestock from entering our food supply.

The Downed Animal Protection Act fills a gap in the current USDA and FDA regulations. The bill calls for the humane euthanization of nonambulatory livestock, both for interstate and foreign commerce. The euthanization of nonambulatory livestock would remove this high risk population from the portion of livestock reserved for our consumption. Due to the presence of other TSE diseases found throughout other species of livestock, all animals that fit under the definition of livestock will be included in this bill.

The benefits of my bill are numerous, for both the public and the industry. On the face of it, the bill will prevent needless suffering by humanely euthanizing nonambulatory animals. The removal of downed animals from our products will insure that they are safer and of better quality. The reduction in the likelihood of the spread of diseases would result in safer working conditions for persons handling livestock. This added protection against disease would help the flow of livestock and livestock products in interstate and foreign commerce, making commerce in livestock more easily attainable.

Some individuals fear that this bill would place an excessive financial burden on the livestock industry. I want to remind my colleagues that one single downed cow in Canada diagnosed with BSE in 2003 shut down the world's third largest beef exporter. It is estimated that the Canadian beef industry lost more than $1 billion when more than 30 countries banned Canadian cattle and beef upon the discovery of BSE. As the Canadian cattle industry continues to recover from its economic loss, it is prudent for the United States to be proactive in preventing BSE and other animal diseases from entering our food chain.

Today, the USDA has increased its efforts to test approximately ten percent of downed cattle per year for BSE.

However, it is my understanding that the USDA is looking to revisit this issue. I do not believe that now is the time to lower our defenses. We must protect our livestock industry and human health from diseases such as BSE. This bill reduces the threat of passing diseases from downed livestock to our food supply. It ensures downed animals will not be used for human consumption. It also requires higher standards for food safety and protects the human population from diseases and the livestock industry from economic distress.

American consumers should be able to rely on the Federal Government to ensure that meat and meat by-products are safe for human consumption. I urge my colleagues to support this important bill. I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Downed Animal Protection Act''.

SEC. 2. FINDING AND DECLARATION OF POLICY.

(a) FINDING.—Congress finds that the humane euthanization of nonambulatory livestock in interstate and foreign commerce—

(1) prevents needless suffering;

(2) results in safer and better working conditions for persons handling livestock;

(3) brings about improvement of products and reduces the likelihood of the spread of diseases that have a great and deleterious impact on interstate and foreign commerce in livestock; and

(4) produces other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate foreign commerce.

(b) DECLARATION OF POLICY.—It is the policy of the United States that all nonambulatory livestock in interstate and foreign commerce shall be immediately and humanely euthanized when such livestock become nonambulatory.

SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Public Law 85–765 (commonly known as the ''Humane Methods of Slaughter Act of 1958'') (7 U.S.C. 1901 et seq.) is amended by inserting after section 2 (7 U.S.C. 1902) the following:

''SEC. 3. NONAMBULATORY LIVESTOCK.

''(a) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—The term 'covered entity' means—

''(A) a stockyard;

''(B) a market agency;

''(C) a dealer;

''(D) a packer;

''(E) a slaughter facility; or

''(F) an establishment.

''(2) ESTABLISHMENT.—The term 'establishment' means an establishment that is covered by the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

''(3) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to immediately render an animal unconscious by mechanical, chemical, or other means, with this state remaining until the death of the animal.

''(4) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any cattle, sheep, swine, goats, or horses, mules, or other equines, that will not stand and walk unassisted.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) HUMANE TREATMENT, HANDLING, AND DISPOSITION.—The Secretary shall promulgate regulations to provide for the humane treatment, handling, and disposition of all nonambulatory livestock by covered entities, including a requirement that nonambulatory livestock be humanely euthanized.

''(c) HUMANE EUTHANASIA.—

''(1) IN GENERAL.—Subject to paragraph (2), when an animal becomes nonambulatory, a covered entity shall immediately humanely euthanize the nonambulatory livestock.

''(2) DISEASE TESTING.—Paragraph (1) shall not limit the ability of the Secretary to test nonambulatory livestock for a disease, such as Bovine Spongiform Encephalopathy.

''(d) MOVEMENT.—

''(1) IN GENERAL.—A covered entity shall not move nonambulatory livestock while the nonambulatory livestock are conscious.

''(2) UNCONSCIOUSNESS.—In the case of any nonambulatory livestock that are moved, the covered entity shall ensure that the nonambulatory livestock remain unconscious until death.

''(e) INSPECTIONS.—

''(1) IN GENERAL.—It shall be unlawful for an inspector at an establishment to pass through inspection any nonambulatory livestock or carcass (including parts of a carcass) of nonambulatory livestock.

''(2) LABELING.—An inspector or other employee of an establishment shall label, mark, stamp, or tag as 'inspected and condemned' any material described in paragraph (1).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) takes effect on the date that is 1 year after the date of enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to implement the amendment made by subsection (a).

Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. HATCH, Mr. LUGAR, Mr. SMITH, Mr. INOUYE, Mr. COLEMAN, and Mr. BUNNING):

S. 1780. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce the CARE Act of 2005 along with Senator LIEBERMAN, a bill we have been trying to push through Congress since 2000. However, at no point in the past five years has the passage of this bill been so timely.

At a time where America appears divided on a War on Terror, Supreme Court nominations, and the relief effort in the gulf region, Americans are unified in their support of charitable organizations. In a recent Zogby poll, 86 percent of those polled rated private charities' response to Hurricane Katrina as excellent or good. By contrast, 32 percent described the government's response as excellent or good, and 67 percent said fair or poor.

The work of charitable organizations and their volunteers have been inspirational at a time when many feel hopeless. I recently held a hearing in the Finance Subcommittee of Social Security and Family Policy to hear from charitable organizations about their efforts around the gulf coast. Though the hearing was scheduled before the events of Hurricane Katrina, the amazing work being done by these organizations highlighted the need for charitable incentives to continue and expand the generosity we are seeing.

In response to Hurricane Katrina, we have seen organizations such as America's Second Harvest and the Florida Boulevard Baptist Church feed the hungry. We have seen that within 48 hours of Katrina, the Nation's fraternal benefit societies were feeding, housing, and providing supplies, clothes, toiletries, cash and beds to those in need in shelters both in Houston and in New Orleans. During the first week of this effort, fraternals had already expended upwards of $14 million on hurricane relief, a sum which is expected to increase as these efforts broaden. We see community foundations, such as the Baton Rouge Area Foundation, literally saving people's lives by helping Louisiana State University open a field hospital for 1,000 people in an old Kmart. And we see national organizations such as the YMCA of the USA providing program services such as emergency child care, recreation, and grief counseling. The YMCA has provided showers and other physical comforts and opened up their facilities as staging areas for relief, recovery and clean-up efforts. And the list goes on and on and on—not even considering the response of these same organizations and many others to Hurricane Rita.

The CARE Act is a bipartisan bill that received strong bipartisan support as it passed the Senate in the 108th Congress by a vote of 95–5. The House of Representatives passed companion legislation, the Charitable Giving Act, by a vote of 408–13. Sadly, this bill was blocked this bill from going to conference despite overwhelming support from both Houses and the general public.

The CARE Act of 2005 provides commonsense provisions to induce charitable giving. Among these include the above-the-line deduction for non-itemizers. More than two-thirds of Americans do not itemize on their tax returns, yet this group is estimated to contribute $36 billion to charities. Research indicates that lower and moderate-income individuals are more likely not to itemize on their tax returns, and that they give a greater percentage of their incomes to charity than higher income individuals. It is only fair that they benefit for their generosity. As Major Hood from the Salvation Army

so eloquently wrote in his testimony at my hearing, ''[t]he provision allowing non-itemizers to deduct charitable contributions can only encourage those Americans with smaller incomes—including young professionals who might otherwise be inclined to begin a lifetime of annual giving—to contribute to worthy causes. We do not discriminate among those in need, and we ask Congress not to discriminate in providing tax incentives for charitable giving.''

Additionally, the CARE Act calls for tax-free IRA charitable distributions for individuals aged 70½ and over. My home State of Pennsylvania has the second highest percentage of seniors in the country. Many of these older Americans want to experience the joy of making a difference by giving, and this provision provides them that opportunity. Certainly, these individuals should not be penalized for contributing portions of their life's savings to a worthy cause.

Organizations have been generous during this crisis by donating food to those who need it. The CARE Act provides expanded incentives that will yield an estimated $2 billion worth of food donations from farmers, restaurants, and corporations to help those in need. America's Second Harvest estimates that this is the equivalent of 878 million meals for hungry Americans over 10 years. Last year, the North American Mission Board of the Southern Baptist Convention helped provide 3 million meals to hungry people. At the time of my hearing they were feeding hurricane victims 250,000 meals each day. By allowing businesses to recoup production costs this provision will incentivize food donations and help our action fight hunger. For the first time, farmers, ranchers, small business and restaurant owners will benefit from the same tax incentives afforded major corporate donors for the donation of food to the needy.

The CARE Act also provides asset building initiatives for low-income individuals. Low-income Americans face a huge hurdle when trying to save. Individual Development Accounts, IDAs, provide them with a way to work toward building assets while instilling the practice of saving into their everyday lives. IDAs are one of the most promising tools that enable low-income and low-wealth American families to save, build assets, and enter the financial mainstream. Based on the idea that all Americans should have access, through the tax code or through direct expenditures, to the structures that subsidize homeownership and retirement savings of wealthier families, IDAs encourage savings efforts among the poor by offering them a one-to-one match for their own deposits. IDAs reward the monthly savings of working-poor families who are trying to buy their first home, pay for post-secondary education, or start a small business. These matched savings accounts are similar to 401(k) plans and other matched savings accounts, but can serve a broad range of purposes.

We have also seen the philanthropy of corporations such as Home Depot and Coca-Cola Company. The Home Depot Foundation has donated nearly $4 million to assist in the relief efforts. Coca-Cola Company donated $5 million and water and other beverages to the Federal Emergency Management Agency for its relief efforts. This is an appropriate time to gradually raise the caps on corporate contributions from 10 to 20 percent to encourage corporations to continue their social responsibility. We must also level the playing field for all corporate donations by expanding charitable incentives for S corporations to increase charitable giving.

In my home State of Pennsylvania, I have worked closely with the Pennsylvania Association of Nonprofit Organizations. I have heard from many of the nonprofits in my State about the pressing need for the charitable incentives we have in the CARE Act.

The time is now to expand charitable giving, both in my home State and throughout the Nation. One certainty we have seen is in every disaster that occurs in the United States and around the world is the desire of fellow Americans to help those that are in need. We should commend that generosity by passing this legislation.

By Mr. HATCH:

S. 1781. A bill to amend the Internal Revenue Code of 1986 to allow full expensing for the cost of qualified refinery property in the year in which the property is placed in service, and to classify petroleum refining property as 5-year property for purposes of depreciation; to the Committee on Finance.

Mr. HATCH. Mr. President, just this past May, I stood at a gas station in Salt Lake City and announced the introduction of S. 1039, the Gas Price Reduction Through Increased Refining Capacity Act of 2005.

By standing near a gas pump charging $2.25 per gallon, I thought I was making a strong statement about the high price of gas and the need for greater refining capacity in our country.

That was only a few months ago, but hurricanes Katrina and Rita have since exposed the vulnerability of our Nation's refining infrastructure, and the gas prices in May now seem like the good old days.

I am pleased that the energy bill signed by President Bush this summer included the principal concept of S. 1039—that of providing a strong tax incentive to expand refinery capacity by allowing the cost to be written off immediately. Unfortunately, because of budget restrictions, my legislation had to be cut.

I have long been concerned that our shrinking number of refineries and their proximity to our Nation's coasts pose an unacceptable risk to our economic and strategic security. I thought cutting S. 1039 was a mistake at the time, and now I am hoping Congress will remedy that mistake.

Today, I rise to reintroduce those portions of my refining capacity legislation that were left out of the energy bill and call upon my colleagues to help me finish what was begun with my original bill.

My new legislation, the Refinery Investment Tax Assistance Act, would enhance the incentives made in the energy bill by increasing the short-term incentive to add new and expanded refining facilities and by removing the obstacle of long tax depreciation schedules that refineries face.

For those refiners able to commit to installing new refining equipment before 2008 and to have that added capacity built by 2012, my original bill would have allowed a complete write-off for investments in new refining equipment in the first year. As passed by Congress, though, this provision was cut for budgetary reasons to allow for expensing of only 50 percent of the costs in the first year. The legislation I am introducing today would enhance that to allow for the full 100 percent expensing in the first year. Now, more than ever, we need to use every possible means to increase the security of our fuel supply.

This bill would also restore another very important provision of S. 1039 that was dropped out of the energy bill as a cost savings. This provision would help to remove some of the disparity the refining industry faces in our current tax system. Most manufacturers in our country are able to depreciate the cost of their new equipment over five years. Refineries, on the other hand, are strapped with a full 10-year depreciation period. This unfair treatment of our refining industry acts as a long-term obstacle to new investment in increased capacity. The current 10-year depreciation schedule for refiners is unwarranted, and it is past time that we level the playing field on depreciation for this critically important sector of our energy industry.

On September 6, in the aftermath of Katrina, Mr. Bob Slaughter of the National Petrochemical & Refiners Association testified before the Senate Energy and Natural Resources Committee. He said that an important solution to our energy crisis would be to ''[e]xpand the refining tax incentive provision in the Energy Act. Reduce the depreciation period for refining investments from 10 to seven or five years in order to remove a current disincentive for refining investment. Allow expensing under the current language to take place as the investment is made rather than when the equipment is actually placed in service. Or the percentage expensed could be increased as per the original legislation introduced by Senator HATCH.''

I think it is important to recognize that, over time, this legislation will not cost the U.S. Treasury one dime. It would allow refineries to change the timing of the depreciation of their equipment, but not the amount. And, we should keep in mind that when this

bill leads to more refineries and increased capacity, we will have also increased the tax base.

I want to throw my full support behind the proposals recently announced by House Energy and Commerce Chairman BARTON and House Resource Committee Chairman POMBO, which would take other approaches to increase the number of refineries in our Nation. From both a national security and an energy security perspective, I especially endorse a proposal by Chairman POMBO to locate more refineries on public lands near oil resource deposits. Such a move will make our Nation more secure from attacks from terrorists and from Mother Nature. I understand that Senate Energy and Natural Resource Committee Chairman Pete Domenici is promoting similar proposals on the Senate side. And I applaud these men for their leadership.

We have learned that when it comes to our Nation's energy security, refining is where we are the most vulnerable. It is not the time for half measures, but bold immediate action to establish a secure and independent refining program in this country. I hope my colleagues will join me in my efforts to achieve this goal. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Refinery Investment Tax Assistance Act of 2005''.

SEC. 2. FULL EXPENSING FOR QUALIFIED REFINERY PROPERTY.

(a) IN GENERAL.—Subsection (a) of section 179C of the Internal Revenue Code of 1986, as added by section 1323 of the Energy Policy Act of 2005, is amended by striking ''50 percent of''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1323 of the Energy Policy Act of 2005.

SEC. 3. PETROLEUM REFINING PROPERTY TREATED AS 5-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by adding at the end the following new clause:

''(vii) any petroleum refining property.''.

(b) PETROLEUM REFINING PROPERTY.—Section 168(i) of such Code is amended by adding at the end the following new paragraph:

''(18) PETROLEUM REFINING PROPERTY.—

''(A) IN GENERAL.—The term 'petroleum refining property' means any asset for petroleum refining, including assets used for the distillation, fractionation, and catalytic cracking of crude petroleum into gasoline and its other components.

''(B) ASSET MUST MEET ENVIRONMENTAL LAWS.—Such term shall not include any property which does not meet all applicable environmental laws in effect on the date such property was placed in service. For purposes of the preceding sentence, a waiver under the Clean Air Act shall not be taken into account in determining whether the applicable environmental laws have been met.

''(C) SPECIAL RULE FOR MERGERS AND ACQUISITIONS.—Such term shall not include any property with respect to which a deduction was taken under subsection (e)(3)(B) by any other taxpayer in any preceding year.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer has entered into a binding contract for the construction thereof on or before the date of the enactment of this Act.

By Mrs. CLINTON (for herself and Mr. OBAMA):

S. 1784. A bill to amend the Public Health Service Act to promote a culture of safety within the health care system through the establishment of a National Medical Error Disclosure and Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased today to introduce legislation that will improve patient safety while helping to provide some relief to health care providers dealing with escalating medical liability costs.

We are dealing with a medical malpractice problem in this country that is jeopardizing patient safety and hurting our health care system. As I visit with doctors and hospitals in New York and around the Nation, I hear about the pressures and problems of escalating medical malpractice insurance premiums.

These high premiums are forcing many physicians to alter their practice of medicine and leaving some patients without access to necessary medical care. In my State of New York, an unacceptable 40 percent of our counties have less than 5 practicing obstetricians.

At the same time, we have all heard the terrifying statistic from the landmark 1999 IOM report stating that as many as 98,000 deaths every year are the result of medical errors. But, far fewer people know that the IOM suggests that 90 percent of medical errors are the result of failed systems and procedures, not the negligence of physicians.

We must do better. If properly designed, these systems and procedures could go a long way towards seriously reducing medical errors.

But, understanding the root causes of errors requires their disclosure and analysis. And that's the fundamental tension between the medical liability system and our common goal of providing high quality care and improving patient safety in the health care system.

Studies have consistently shown that health care providers are reticent to engage in patient safety activities and be open about errors because they believe they are being asked to do so without appropriate assurances of legal protection.

That's where this legislation comes in. We build on the patient safety bill that was signed into law earlier this summer by creating a voluntary program to encourage disclosure of errors, an opportunity to enter negotiations and early settlement, while, at the same time, protecting patients' rights and providing liability protection for health care providers who participate in the program.

Our bill is designed to bridge the gap between the medical liability and patient safety systems for the benefit of patients and providers.

The truly unfortunate result of the current congressional stalemate over caps is that patients and physicians are left waiting for someone to break the logjam and work to find bipartisan solutions that have an opportunity to mitigate this problem. I believe it's critical that we find a way around this stalemate and that Congress work in good faith to find solutions that can garner enough support to find their way to the President's desk.

I believe that this is an exciting and innovative program that will improve patient-physician communication, reduce the rates of preventable patient injury, reduce the liability insurance premiums that physicians are facing, and insure that patients have access to fair compensation for medical injury: Four fundamental goals that I believe are necessary components of any solution we consider.

There are a number of successful programs across the country that are consistent with the provisions of our legislation, including one at the University of Michigan, and even one initiated by a medical malpractice insurance provider in Colorado. I am excited about the results these programs are producing—fewer numbers of suits being filed, more patients being compensated for injuries, greater patient trust and satisfaction, and significantly reduced administrative and legal defense costs for providers, insurers, and hospitals where these programs are in place.

I am hopeful that our legislation will provide an opportunity for more hospitals and physicians to use this program and see for themselves the benefits they—and their patients—will reap.

Mr. OBAMA. Mr. President, it is my pleasure to join Senator CLINTON to introduce legislation that will help us all find common ground on the debate over patient safety and medical malpractice claims.

Today, medical error is the eighth leading cause of death in the United States. Every year, these tragic mistakes cost the lives of up to 98,000 Americans. This is unacceptable in America, and we must do more to ensure that every patient gets the right care, at the right time, in the right way.

The debate in Washington over this issue has been centered on caps and lawsuits. But across America, hospitals and medical providers are proving that

there's a better way to protect patients and doctors, all while raising the quality of our care and lowering its cost.

From the Children's Hospitals and Clinics of Minnesota to the VA hospital in Lexington, Kentucky, doctors and administrators aren't trying to cover up medical errors—They're trying to admit them. Instead of closing ranks and keeping the patient in the dark, they're investigating potential errors, apologizing if mistakes have been made, and offering a reasonable settlement that keeps the case out of court.

This program is often known as ''Sorry Works,'' and it's led to some amazing results. When patients are treated with respect and told the truth, they sue less. More are actually compensated for their injuries, but medical providers pay less because the reward is the result of a settlement, not an expensive lawsuit. Malpractice costs for doctors go down, and health care professionals actually learn from their mistakes so they're not repeated and lives are saved.

At the VA hospital in Lexington, Kentucky, this program has reduced the average settlement to $16,000, compared with $98,000 nationwide. This ranked in the lowest quartile of all VA facilities for malpractice payouts. At the University of Michigan's hospital system, this program helped them cut their lawsuits in half and save up to $2 million in defense litigation.

The bill we're introducing today builds on these hopeful results and incorporates them into a national program. The National Medical Error Disclosure and Compensation Act, or MEDiC Act, will help reduce medical error rates and medical malpractice costs by opening the lines of communication between doctors and patients—encouraging honesty and accountability in the process.

The bill will also set up a National Patient Safety Database, which will be used to determine best practices in preventing medical errors, improving patient safety, and increasing accountability in the healthcare system.

We expect participants to see a cost savings, and we will require them to reinvest a portion of these savings into patient quality measures that will reduce medical errors. This bill also requires that some of these savings are passed along to providers in the form of lower malpractice insurance premiums.

Certainly, these are lofty goals. But what Senator CLINTON and I hope to do with this legislation is promote the type of creative thinking that will be required if this country is going to overcome some of the gridlock in the healthcare debate. The MEDiC Act of 2005 brings together some of the best ideas currently out there, and I hope my colleagues in the Senate will work with Senator CLINTON and me to put these ideas in action.

By Mr. CORNYN (for himself, Mr. LEAHY, Mr. HATCH, and Mr. KOHL):

S. 1785. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today along with the Senior Senator from Vermont in introducing the Vessel Hull Design Protection Act Amendments of 2005. This is the third recent piece of legislation on which I have teamed with Senator LEAHY—first working together on important reforms to the Freedom of Information Act and then joining to introduce significant counterfeiting prevention legislation. I am glad to continue our work by introducing this legislation which, though seemingly technical and minor, offers very important clarifications about the scope of protections available to boat designs.

Boat designs, like any technical designs, are complex and are the result of a great deal of hard work and contribution of intellectual property. Accordingly, Congress enacted the Vessel Hull Design Protection Act in 1998 to provide necessary protections that were not present among copyright statutes prior to that time. The Act has been instrumental for the continued development and protection of boat designs but unfortunately recently has encountered a few hurdles.

A recent court decision raised questions about the scope of protections available to various boat designs. Justifiably or not, this interpretation under the VHDPA unfortunately has led many in the boat manufacturing industry to conclude that the Act's provisions are not effective at protecting vessel designs. Intellectual property protection of those designs is critical to these manufacturers in order to encourage innovative design and clarification is needed.

The legislation we offer will clarify that the protections accorded to a vessel design can be used to separately protect a vessel's hull and/or deck as well as a plug or mold of either the hull or deck. The proposed amendments would make clear that it remains possible for boat designers to seek protection for both the hull and the deck, and plug or mold of both, of a single vessel, and many designers no doubt will continue to do so. However, these amendments are intended to clarify that protection under the VHDPA for these vessel elements may be analyzed separately.

This bipartisan legislation provides the necessary assurance to boat manufacturers that the Vessel Hull Design Protection Act will remain a vital intellectual property protection statute. The bill offers very important clarifications about the scope of protections available to boat designs and will be welcome news to boat makers across the Nation and in Texas. The thousands of miles of coastline in Texas, and all the lakes and rivers in between, provide significant opportunities for recreational and commercial boating throughout the State. This legislation will ensure that there will be continued innovation in the design and manufacture of boats for many years to come.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Vessel Hull Design Protection Amendments of 2005''.

SEC. 2. DESIGNS PROTECTED.

Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) VESSEL FEATURES.—The design of a vessel hull or deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).''.

SEC. 3. DEFINITIONS.

Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking ''vessel hull, including a plug or mold,'' and inserting ''vessel hull or deck, including a plug or mold,'';

(2) by striking paragraph (4) and inserting the following:

''(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.''; and

(3) by adding at the end the following:

''(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.''.

Mr. LEAHY. Mr. President, Senator CORNYN and I have already worked together on significant Freedom of Information Act legislation and on counterfeiting legislation during the first session of this Congress. Today, we are introducing another bill and taking our partnership to the high seas, or at least to our Nation's boat manufacturing industry, with the Vessel Hull Design Protection Act Amendments of 2005.

Designs of boat vessel hulls are often the result of a great deal of time, effort, and financial investment. They are afforded intellectual property protection under the Vessel Hull Design Protection Act that Congress passed in 1998. This law exists for the same reason that other works enjoy intellectual property rights: to encourage continued innovation, to protect the works that emerge from the creative process, and to reward the creators. Recent courtroom experience has made it clear that the protections Congress. passed seven years ago need some statutory refinement to ensure they meet the purposes we envisioned. The Vessel Hull Design Protection Act Amendments shore up the law, making an important clarification about the scope of

the protections available to boat designs.

We continue to be fascinated with, and in so many ways dependent on, bodies of water, both for recreation and commerce. More than fifty percent of Americans live on or near the coastline in this country. We seem always to be drawn to the water, whether it is the beautiful Lake Champlain in my home State of Vermont or the world's large oceans. And as anyone who has visited our seaports can attest, much of our commerce involves sea travel. I would like to thank Senators KOHL and HATCH for cosponsoring this legislation. Protecting boat designs and encouraging innovation in those designs are worthy aims, and I hope we can move quickly to pass this bipartisan legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 254—MARKING THE DEDICATION OF THE GAYLORD NELSON WILDERNESS WITHIN THE APOSTLE ISLANDS NATIONAL LAKESHORE

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 254

Whereas the Honorable Gaylord Nelson, a State Senator, Governor, and United States Senator from Wisconsin, devoted his life to protecting the environment by championing issues of land protection, wildlife habitat, environmental health, and increased environmental awareness, including founding Earth Day;

Whereas the Honorable Gaylord Nelson authored the Apostle Islands National Lakeshore Act, which led to the protection of one of the most beautiful areas in Wisconsin and recognized the rich assemblage of natural resources, cultural heritage, and scenic features on Wisconsin's north coast and 21 islands of the 22-island archipelago;

Whereas the Apostle Islands National Lakeshore was designated a National Park on September 26, 1970;

Whereas, on December 8, 2004, approximately 80 percent of the Apostle Islands National Lakeshore was designated the Gaylord Nelson Wilderness;

Whereas the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore provides a refuge for many species of birds, including threatened bald eagles and endangered piping plovers, herring-billed gulls, double-crested cormorants, and great blue herons, and is a safe haven for a variety of amphibians, such as blue-spotted salamanders, red-backed salamanders, gray treefrogs, and mink frogs, and is a sanctuary for several mammals, including river otters, black bears, snowshoe hares, and fishers;

Whereas the official dedication of the Gaylord Nelson Wilderness occurred on August 8, 2005, 36 days after the Honorable Gaylord Nelson's passing; and

Whereas the Honorable Gaylord Nelson changed the consciousness of our Nation and embodied the principle that 1 person can change the world, and the creation of the Gaylord Nelson Wilderness is a small, but fitting, recognition of his efforts: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Honorable Gaylord Nelson's environmental legacy;

(2) celebrates the dedication of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore; and

(3) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of the Senator.

Mr. FEINGOLD. Mr. President, December 8, 2004, approximately 80 percent of the Apostle Islands National Lakeshore in Wisconsin was designated the Gaylord Nelson Wilderness. Although we did not formally celebrate the new wilderness area until August 8, 2005, we have been delighting in the designation ever since December of last year.

The designation of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore on August 8, 2005 was a tremendous occasion for both Wisconsin and the country. I was deeply honored to participate in the ceremony marking the creation of the Gaylord Nelson Wilderness. I knew Gaylord, and am proud to occupy his Senate seat. Like all of those in attendance at the dedication ceremony, including Tia Nelson, Governor Doyle, Congressman OBEY, local officials, tribal chairs, and many others, I was deeply saddened that Gaylord wasn't able to be sitting among us, having passed away on July 3, 2005.

However, I do believe that, because the area, the magnificent Apostles, and the wilderness designation we were celebrating were such a part of Gaylord, he was in fact there with us that day, urging us to mark the achievement and to continue his life's work of building a national conservation ethic. As we all know, while his record of achievements is long and impressive, it is Senator Nelson's passion and commitment to protecting our environment that will remain the centerpiece of his legacy. For this reason, Senator KOHL and I have submitted a resolution to bring recognition to Gaylord's unwavering efforts on behalf of the environment and to celebrate the dedication of a wilderness area rightly named in his honor.

Gaylord so believed in his responsibility to the environment that he started a revolution that has inspired millions of people from across the globe. The day he created in 1970—Earth Day—has become a cause for celebration, education, and reflection for all. Simply stated, Gaylord Nelson changed the consciousness of a Nation, and quite possibly the world. He was a distinguished Governor and Senator, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. Most importantly, he was the embodiment of the principle that one person can change the world.

August 8, 2005 marked the beginning of a new period for the Apostle Islands and I could not be more proud of this. In 1998, Representative OBEY and I asked for a wilderness survey. Seven years later, we finally gathered to salute the awe-inspiring resource as well as the man who dedicated himself to protecting our environment, particularly those places where we humans are but humble visitors—wilderness areas. Let us not forget, however, that before we could talk about having a wilderness area within the Apostle Islands National Lakeshore, we had to have a National Lakeshore. I am sure it will come as no surprise that Gaylord was essential in the effort to recognize the Apostle Islands as a national treasure.

The wild and primitive nature of the Apostles and now the Gaylord Nelson Wilderness has always been an attraction, not only for Wisconsin residents but for people from across the globe. At the Apostles you can find pristine old growth forests; wetlands that are home to an astounding ecological diversity; birds that travel long distances and use the islands for respite; and amphibians, which can act as indicators of the Park's environmental health.

It is a truly amazing place.

And people know it. In fact, just recently, the Apostles was rated the #1 National Park in the U.S. by National Geographic Traveler. The rating was based on a variety of factors, most notably environmental and ecological quality, social and cultural integrity, and the outlook for the future.

We have it all in the Park—ecological and cultural resources intertwined with one another. The history of the islands is a history of people living off, and very much in balance with, the land and water surrounding them. A visit to the Apostles and the Gaylord Nelson Wilderness can be, if we let go of the trappings of modern society, an enlightening voyage that challenges us to think about those who came before us, those who will follow us, and the connections between us and the natural resources we depend on for our survival.

The Ojibwae, who Wisconsinites know were the original inhabitants of the Apostles, had great respect for the resources. They believed in taking something only if they were giving something in return. The Ojibwae people understood their dependence on the environment long before many others began contemplating such a relationship. Unfortunately, as a society, we have not always heeded their example. We must be better stewards of our land, our air, and our water. Gaylord pushed us toward that goal every day of his life. And, what better way to mark the dedication of the Wilderness Area named in his honor than for each of us to dedicate ourselves to actively carrying his legacy forward. That is Gaylord's challenge for all of us.

So many people supported the creation of the Lakeshore and the Wilderness area. The support has taken many forms—all of which have added to the success of our Park and the wilderness designation. I am especially grateful for the families who have donated their properties, many of which are filled with childhood and other cherished family memories, for the betterment of